

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

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SNMP RESEARCH, INC. and SNMP : Case No. 3:20-cv-00451-CEA-DCP
RESEARCH INTERNATIONAL, INC., :
Plaintiffs, : U.S. District Judge Charles E. Atchley
v. :
BROADCOM INC.; BROCADE :
COMMUNICATIONS SYSTEMS LLC; and :
EXTREME NETWORKS, INC., :
Defendants. :
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DECLARATION OF PETER LAM

I, Peter Lam, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Vice President and Deputy General Counsel of Intellectual Property at Extreme Networks, Inc. (“Extreme”). I have personal knowledge of the facts set forth in this declaration and can and will testify thereto under oath if called to do so.

2. Jennifer Sipes was an attorney in Extreme’s legal department from January 2017 to March 2019. Around September and October 2017, she was a Director and Associate General Counsel in the commercial group of the legal department.

3. Tara Flanagan was an attorney in Extreme’s legal department from January 2019 to August 2020. Around August 2019, she was a Senior Director and Assistant General Counsel in the commercial group of the legal department.

4. Elizabeth Scandizzo was a contracts administrator in Extreme’s legal department from January 2017 to April 2022. Around August 2019, she was a Senior Lead Commercial Contracts Administrator of the legal department.

5. Linda Chan was a temporary contract attorney in Extreme's legal department from September 2017 to November 2017.

6. Christopher Remlin was an employee in Extreme's engineering team from August 2011 to November 2019.

7. Mary Chay was a Senior Program Manager at Extreme from October 2017 to June 2018. She was a Brocade employee until October 27, 2017, and became an Extreme employee after the Extreme closed the acquisition of Brocade.

Privilege Entries 507 to 512

8. I have reviewed the August 2019 emails that Extreme redacted and logged as entry nos. 507 to 512 in Extreme's July 28, 2023 supplemental privilege log.

9. I initially received those communications in August 2019 in the course of my duties as Extreme's in-house attorney. They are all communications among Extreme's in-house legal team members—me, Elizabeth Scandizzo, Tara Flanagan, and Extreme's General Counsel Katy Motiey. They all reflect internal discussions—seeking and providing legal advice—in response to SNMMPRI's breach letter to Broadcom and Brocade stating that “Brocade transferred SNMMPRI software in source code form to Extreme” as part of Extreme's acquisition of the Brocade Business and its subsequent termination of its 2001 license agreement with Brocade in late-July 2019.

Privilege Entry Nos. 689 and 696

10. I have reviewed the February 23, 2018 emails that have been partially redacted and logged as entry nos. 689 and 696. I can confirm that they both reflect internal communications between Extreme employees.

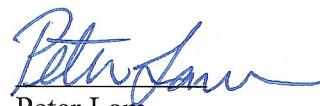
11. While a Brocade email address (mchay@brocade.com) appears for Mary Chay in the recipient list in both these emails, Mary Chay was actually an Extreme employee at the time

of these communications. On October 28, 2017, Extreme closed its acquisition of Brocade's data center switching, routing, and analytics business. When Extreme acquires a business from a company and its employees become Extreme employees, Extreme routinely allows those employees to continue receiving emails sent to their previous business email address after the acquisition closes in order to ensure that those employees do not experience disruptions in receiving their email.

12. In this case, Mary Chay who had become an Extreme employee after Extreme closed the Brocade acquisition on October 28, 2017, had two business email addresses: (1) her Extreme email address (mchay@extremenetworks.com) that she was assigned she became an Extreme employee, and (2) her old Brocade email address (mchay@brocade.com) that she had retained for business continuity reasons. Emails sent to either email address would have been delivered to and resided on Extreme's email servers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31st, 2023 in Campbell, CA.



Peter Lam